

1 Michael J. Timpane, Cal. SBN 115238
2 Edward R. Stepans, Cal. SBN 154233
3 **SALAMIRAD, MORROW,**
4 **TIMPANE & DUNN LLP**
5 1999 Harrison Street, Suite 660
Oakland, CA 94612
Telephone: (510) 907-3245
Facsimile: (510) 285-6052
mt@smtdlaw.com; es@smtdlaw.com

6
7 Attorneys for Plaintiff GREAT AMERICAN
INSURANCE COMPANY

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11
12 GREAT AMERICAN INSURANCE
13 COMPANY, an Ohio corporation,

14 Plaintiff,

15 vs.

16 TG ASSOCIATES, LLC, et al.,

17 Defendants.

Case 3:14-CV-01546 NMC

**STIPULATION TO DISMISS
DESILVA GATES
CONSTRUCTION, L.P.
WITHOUT PREJUDICE; ORDER**

18
19
20 IT IS HEREBY STIPULATED by and between plaintiff Great American
21 Insurance Company and defendant DeSilva Gates Construction, L.P. through their
22 designated counsel, that the above-captioned action be and hereby is dismissed as to
23 DeSilva Gates Construction, L.P., without prejudice, pursuant to the settlement
24 agreement entered into between them before Magistrate Judge Joseph Spero on
25 May 3, 2016 and memorialized in the subsequent written settlement agreements
26 (“Settlement Agreements”) executed between them and other parties effective May
27 27, 2016. This stipulation is made pursuant to those Settlement Agreements, and is
28 subordinate to those Settlement Agreements should any conflicts arise between the

1 terms and conditions of the Settlement Agreements and any effect of this stipulation
2 for the dismissal of DeSilva Gates Construction, L.P. without prejudice. Each party
3 shall bear all of its own litigation expenses, including attorneys' and consultants'
4 fees, costs and expenses.
5

6 Respectfully submitted,
7

8 Dated: May 27, 2016

/s/

9 Michael J. Timpane
10 SALAMIRAD MORROW
11 TIMPANE & DUNN LLC

12 Attorneys for Plaintiff Great American
Insurance Company

13 Dated: May 27, 2016

/s/

14 Michael Willcoxon

15 Attorney for Defendant DeSilva Gates
Construction, L.P.
16

17 **SO ORDERED.**
18

19 DATED: June 7, 2016

20 **U.S. DISTRICT COURT, NORTHERN**
21 **DISTRICT OF CALIFORNIA**

